United Nations S/2003/969

Security Council

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8 October 2003
English
Original: French

Letter dated 7 October 2003 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I regret to have to convey to you our total indignation and revulsion over the latest massacre perpetrated in Katchele, a village situated about 70 kilometres north-west of Bunia, the main town of the Ituri district.

According to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), 23 civilians, mainly women, children and old persons, were killed there on 6 October 2003 with machetes and automatic weapons. The massacre was accompanied by pillaging.

Other local sources are reporting the murder of 32 other persons, who were buried in mass graves before the arrival of the United Nations investigators.

My Government urgently requests the Security Council to:

1. Speed up the sending of reinforcements to MONUC in the Ituri district so that it can do more and act more decisively to advance the process of stabilizing and securing the entire district of Ituri that started with the deployment of the Interim Multinational Emergency Force;

2. Conduct a thorough investigation of the unfortunate events that took place in Katchele so as to identify those responsible and bring the perpetrators of these latest human rights violations to justice;

3. Address the unavoidable general issue of the impunity that has for some time now prevailed in the Ituri district, with a view to compelling the warlords who hold sway there, and their outside supporters, to answer for their reprehensible acts before national and international judicial bodies.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

03-54711 (E) 081003 081003

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Letter dated 7 October 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communications, dated 2 and 6 October 2003, from the Secretary-General of the North Atlantic Treaty Organization (NATO) (see annexes I and II).

I should be grateful if the above communications could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-54744 (E) 081003

Annex I

Letter dated 2 October 2003 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

As you are aware, on 11 August 2003, the North Atlantic Treaty Organization (NATO) assumed strategic command, control and coordination of the International Security Assistance Force (ISAF). On 1 October, the North Atlantic Council agreed upon a longer-term strategy for NATO in its ISAF role in Afghanistan. In a spirit of transparency and coordination, I would like to share with you this strategy (see enclosure).

NATO is committed to the success of its mission in Afghanistan and is convinced that the Afghan authorities, with the assistance of the international community, will be able to bring about a self-sustaining, stable and democratic Afghanistan.

I will keep you informed about further developments in the North Atlantic Council's deliberations.

(*Signed*) Lord **Robertson** of Port Ellen

Enclosure

Longer-term strategy for the North Atlantic Treaty Organization in its International Security Assistance Force role in Afghanistan

The North Atlantic Treaty Organization (NATO) is in Afghanistan in its International Security Assistance Force (ISAF) role in order to support the international community's efforts towards implementation of the Bonn Agreement, as mandated by United Nations Security Council resolution 1386 (2001). The aim is to assist in the emergence of a united and sovereign Afghanistan, with, inter alia, a broad-based, multi-ethnic representative government, integrated into the international community and cooperating with its neighbours. NATO's long-term strategy in this context includes the following elements:

Alliance Political Objective. Support for implementation of the Bonn process, as mandated by Security Council resolution 1386 (2001), in cooperation and coordination with key international organizations, in particular the United Nations and the European Union, by assisting the Afghan Transitional Authority (ATA) to meet its responsibility to provide security and order. Additional factors to consider in developing further the Alliance's over-arching political objective include:

1. An expanded ISAF mandate will require a specific United Nations Security Council resolution; other critical factors include resolution of the existing shortfalls in the Combined Joint Statement of Requirement (CJSOR) and a willingness to deploy additional resources;

2. The need for enhanced coordination and cooperation between ISAF, the United Nations Assistance Mission in Afghanistan (UNAMA), Afghan authorities, Operation Enduring Freedom (OEF) and non-governmental organizations (NGOs);

3. The need for a coherent public diplomacy and information campaign;

4. Continued analysis of the political dynamics that would affect the activities of foreign peace support forces in Afghanistan.

Desired ISAF end-state. A self-sustaining, moderate and democratic Afghan government, in line with the relevant United Nations Security Council resolutions, able to exercise its authority and to operate throughout Afghanistan, without the need for ISAF to help provide security. Key components of this end-state would include:

1. Satisfactory progress towards completion of the disarmament, demobilization and reintegration (DDR) programme, under United Nations auspices;

2. Satisfactory progress, supported by bilateral training, towards the build-up of the Afghan National Army (ANA) as an operationally effective, multi-ethnic military force able to provide security for the Afghan population, United Nations agencies, other international organizations and NGOs;

3. Satisfactory progress towards strengthening the central government and internal security related institutions, in particular the establishment of a functioning Afghan national police force and judiciary;

4. Satisfactory progress in the development and implementation of effective counter-narcotics activities;

5. The successful implementation of the constitutional Loya Jirga and approval of a new constitution endorsed and widely accepted by Afghanistan's various ethnic groups, in accordance with the Bonn Agreement;

6. Election of a representative government to succeed the Afghan Transitional Authority (ATA) through free and fair elections, in accordance with the Bonn Agreement;

7. Removal or modification of the behaviour of the warlords, bringing them into broad-based and ethnically balanced central government institutions and bringing relations between the central government and provincial governments into conformity with constitutional provisions;

8. The satisfactory evolution of Afghanistan's relations with neighbouring countries in a peaceful manner;

9. Progress towards the resolution of the terrorist threat from the Taliban, al-Qa`ida and other extremist groups.

Benchmarks for an Alliance Hand-Over Strategy. Progress in achieving the components listed above should be measured in periodic reviews of ISAF.

Annex II

Letter dated 6 October 2003 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Following my letter to you last week regarding the North Atlantic Council's agreement on a longer-term strategy for NATO in its International Security Assistance Force (ISAF) role in Afghanistan, I am writing with respect to the Council's approval today of a set of preliminary decisions related to a possible expansion of NATO's ISAF mission. In a spirit of transparency and coordination, I would like to inform you on the status of the NATO Council's deliberations with respect to this matter.

Key issues agreed by the North Atlantic Council include the following:

- The expansion of the ISAF mission would strengthen the ability of the Afghan Transitional Authority (ATA) to provide a secure environment for its people. Such expansion would be subject to the adoption of a United Nations Security Council resolution providing appropriate authority and the identification and provision of appropriate assets
- The Provincial Reconstruction Team (PRT) in Konduz, which Germany has offered to mount, would operate as a pilot project under an expanded ISAF's new Security Council mandate
- In principle, ISAF could expand in a progressive, flexible manner, taking into account the political context, to include other provisional reconstruction teams under an expanded ISAF's new Security Council mandate, subject to consultations with and contributions from framework nations and the availability of additional resources
- In principle, ISAF could also undertake temporary deployments outside Kabul, in coordination and cooperation with the Afghan Authorities, the United Nations Assistance Mission in Afghanistan (UNAMA) and Operation Enduring Freedom (OEF), in support of specific events or processes (such as electoral or disarmament, demobilization and reintegration (DDR)-related events), taking into account the political context and on the basis of an evaluation by the commander of the available resources
- It is imperative that there be clear command and control arrangements between ISAF, OEF and PRTs

Work continues within NATO regarding a possible expansion of its ISAF mission. In particular, the North Atlantic Council has requested additional military advice on the possible implications and modalities of such an expansion. This advice is expected later this month.

I will keep you informed about further developments.

(*Signed*) Lord **Robertson** of Port Ellen

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Security Council

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9 October 2003
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Letter dated 8 October 2003 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi, signed on 8 October 2003 between the Transitional Government and Pierre Nkurunziza's Conseil national pour la défense de la démocratie-Front de défense de la démocratie (see annex).

This important stage in the Burundi peace process should be welcomed and supported by the international community, in particular the United Nations Security Council.

I should like this letter and its annex to be circulated to all members as a Security Council document.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

03-54954 (E) 161003 171003

Annex to the letter dated 8 October 2003 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

[Original: English and French]

THE PRETORIA PROTOCOL ON POLITICAL, DEFENCE AND SECURITY POWER SHARING IN BURUNDI

PREAMBLE

The Transitional Government of Burundi (hereafter referred to as "TGoB") and the National Council for the Defence of Democracy — Forces for Defence of Democracy (hereafter referred to as "CNDD-FDD") both hereafter referred to as "the Parties",

Taking note of the commitments of the TGoB and the CNDD-FDD to reach an all embracing agreement for the achievement of lasting peace, security and stability in Burundi,

Acknowledging the principles and objectives of the Arusha Peace and Reconciliation Agreement for Burundi and the Transitional Constitution of the Republic of Burundi,

Reaffirming their commitment to the Ceasefire Agreement between the Parties signed in Arusha on 2 December 2002 as well as the Joint Declaration of Agreement addressing the practical implementation of the December 2002 Ceasefire Agreement, signed in Pretoria on 27 January 2003,

Acknowledging further the Dar es Salaam Communiqué of the Regional Summit of 20 July 2003 re-committing the parties to a negotiated framework to resolve all outstanding issues related to Political Power Sharing and Technical Forces Agreement,

Recognizing that the conflict in Burundi requires an inclusive dialogue and participation of all political groups and movements,

Conscious of the need to give impetus to the implementation of the content and spirit of the various agreements reached on the Burundi Peace Process,

Hereby agree to engage in the following process in order to effect the power sharing agreement in terms of paragraphs 1.1.12[1] and 1.1.15[2] of the December 2002 Ceasefire Agreement between the CNDD-FDD and the Transitional Government of Burundi.

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[1] The CNDD-FDD will take part in the powersharing arrangements with the Transitional Government of Burundi. The details will be negotiated amongst the parties concerned.

[2] The integration exercise will affect the Burundi Armed Forces, the Police and Intelligence Services as provided for in the Arusha Agreement.

POLITICAL POWER ISSUES

EXECUTIVE

The CNDD-FDD will have four ministries including a Minister of State. The Presidency will consult the Minister of State on all key matters.

THE LEGISLATURE

National Assembly

1. CNDD-FDD will participate in the Bureau as follows:

- Second-Vice President.
- Deputy Secretary-General.

The Bureau will be increased to six.

Two advisors will be appointed in the Staff of the National Assembly.

2. CNDD-FDD will also have 15 members of the Assembly.

3. Measures will be taken to respect the balance among the political families as reflected in the Arusha Agreement.

Senate

The question of the participation of the CNDD-FDD will be discussed at the next meeting, prior to the Regional Summit. (See Article VII below)

GOVERNORS OF PROVINCES

CNDD-FDD will have:

- Three Governors.
- Five Advisors.

DIPLOMATIC CORPS

CNDD-FDD will have:

- Two ambassadors.
- Six secretaries and/or advisors.

LOCAL GOVERNMENT

CNDD-FDD will have 30 Administrators.

PUBLIC ENTERPRIZES

CNDD-FDD will lead 20% of these. The exact distribution will be negotiated later.

DEFENCE AND SECURITY ISSUES:

The power sharing process in terms of defence and security issues shall consist of the following phases;

I. THE BURUNDI NATIONAL DEFENCE FORCE

1.1 Cantonment

The combatants of the CNDD-FDD will move to areas designated by the Joint Ceasefire Commission (JCC) under the supervision of the African Mission. The Burundi Armed Forces (FAB) will be confined to areas agreed upon under supervision of the African Mission, with certain elements being exempted in accordance with par 1.1.7[3] of the December 2002 Ceasefire Agreement.

1.2 Verification

1.2.1 Once members have been cantoned and confined, a verification exercise will be undertaken to determine the size of the respective forces by the Joint Ceasefire Commission. The suitability of personnel submitted by both parties will be determined on the basis of the Forces Technical Agreement (FTA), to be finalized, under the guidance/leadership of the JCC.

1.2.2 Those determined to be suitable will form the new Defence and Security Forces of Burundi.

1.3 Formation of the Burundi National Defence Force (BNDF)

1.3.1 The integrated General Staff and the Officer Corps shall be composed of 60% officers selected from the governmental army and 40% officers from the CNDD-FDD.

1.3.2 The composition of the non commissioned officers and the rank and file shall be determined by the integrated General Staff according to the size of each party and of the agreed balance.

1.3.3 On proposal of the integrated General Staff, the government shall determine;

- The structure of the Burundi National Defence Force
- The size of the army and
- Composition of the officer corps.

1.3.4 The allocation of command posts shall be on the basis of ethnic balance (50-50) as stipulated in the Arusha Peace and Reconciliation Agreement.

1.3.5 The President of the Republic of Burundi undertakes to give expression to this arrangement through a Presidential decree.

[3] For purposes of addressing the current security situation in Burundi, certain elements of the Burundian armed forces will be exempted from the application of 1.1.7 in order to perform necessary security tasks.

1.4 Demobilisation

1.4.1 Combatants of the CNDD-FDD or FAB who have been found not to be eligible to join the Burundi National Defence Force in terms of the Forces Technical Agreement, will be demobilized, taking into consideration paragraph 1.1.14[4] of the December 2002 Ceasefire Agreement.

1.4.2 The demobilization and integration of these combatants will be progressive, bearing in mind social stability and affordability. The Government shall oversee this process through the Minister of State and the Minister of Defence.

1.4.3 The final phase of demobilization will take place once the elected government is in place, guided by the required size of the Burundi National Defence Force and taking into consideration the work undertaken by the Transitional Government of Burundi. The Government of Burundi shall oversee this process.

II. BURUNDI POLICE FORCE

2.1 The parties agreed on the establishment of a new police force in Burundi.

2.2 The structure of the new Police Force will be guided by the following principles:

- Inclusivity and integration.
- General Staff structure based on the principle of 65% TGoB and 35% – CNDD-FDD.
- The principle of 50-50 ethnic balance.

2.3 Composition of junior structures of the Police Force shall also be guided by the principles of inclusivity.

2.4 The decisions will be taken on the basis of consensus.

III. GENDARMERIE

3.1 The Gendarmerie will be treated as part of the FAB.

3.2 Elements of the Gendarmerie may be deployed to both the new Defence and Police Forces.

3.3 Equally, elements of the CNDD-FDD will also be deployed into the Burundi Police Force.

[4] The Transitional Government of Burundi and the African Mission will address the welfare of the assembled combatants and all those participating in the integration process and work out packages for those that will not be absorbed in the integration exercise of the New Burundi Army. Particular attention to be paid to the combatants and civilians who were crippled and maimed by the war.

IV. MILITIA

Militia will be disarmed according to the December 2002 Ceasefire Agreement under the supervision of the African Mission, at the beginning of cantonment and barracking exercises.

V. INTELLIGENCE

5.1 The parties agreed on the establishment of a ministry of intelligence under the President.

5.2 Parties will submit names for the General Staff of Intelligence to the President.

The agreed criteria for the composition will be as follows;

- 65% – TGoB
- 35% – CNDD-FDD
- The principle of 50-50 ethnic balance.

5.3 The President, informed by the capacity/suitability of persons proposed and guided by the principles of integration and inclusivity, shall retain the discretion to determine the final composition of his General Staff of Intelligence.

VI. PALIPEHUTU/FNL

6.1 To address the current security situation in Burundi certain elements of the FAB will be exempted from confinement, as per the provisions of the December 2002 Ceasefire Agreement.

6.2 Prior to the establishment of a National Defence Force and in terms of the December 2002 Ceasefire Agreement, joint military units will be constituted to perform certain tasks.

VII. OUTSTANDING MATTERS:

- Temporary Immunity.
- CNDD-FDD as a political party.
- Forces Technical Agreement.
- The question of the participation of CNDD-FDD in the Senate.

These matters will be finalized at the next meeting that will be convened as a matter of urgency.

Done in Pretoria, South Africa, on 8 October 2003.

For the Transitional Government of Burundi:
(*Signed*) His Excellency Domitien **Ndayizeye**
President of the Republic of Burundi

For the CNDD-FDD Movement:
(*Signed*) Mr. Pierre **Nkurunziza**
Legal Representative of the CNDD-FDD Movement

In the presence of:
(*Signed*) His Excellency Jacob **Zuma**
Deputy President of the Republic of South Africa
Facilitator of the Burundi Peace Process